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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,712	09/06/2006	Jun Cheng	L9289.06187	3146
52989	7590	07/29/2010	EXAMINER	
Dickinson Wright PLLC James E. Ledbetter, Esq. International Square 1875 Eye Street, N.W., Suite 1200 Washington, DC 20006			LEE, ANDREW CHUNG CHEUNG	
			ART UNIT	PAPER NUMBER
			2476	
			MAIL DATE	DELIVERY MODE
			07/29/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/591,712

Applicant(s)

CHENG ET AL.

Examiner

Andrew C. Lee

Art Unit

2476

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 12, 13, 15, 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claims 1 – 10, 14 have been canceled.
2. Claim 16 is newly added.
3. Claims 11, 12, 13, 15, 16 are pending.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claims 15 and 16, the newly amended subject matter "continuously transmitted using at least two consecutive time slots" is not described explicitly/implicitly in the specification at the time the application was originally filed. Clarification and appropriate correction are required.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 recites the limitation "the same number of access signals" in line 4.

There is insufficient antecedent basis for this limitation in the claim.

Claim13 recites the limitation "the same number of access signals" in line 4.

There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the same number of access signals" in line 4.

There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the same number of access signals" in line 4.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 11, 12, 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Toskala et al. (US 6917602 B2).

Regarding claim 1, Toskala et al. disclose a transmitting method ("*a system and method*"; *Abstract*, col. 2, lines 23 – 29) comprising: receiving information which is transmitted from a base station apparatus ("*receiving acquisition indicator (AI) from node B*", col. 2, lines 35 – 41; *Fig. 4, element 350, receiving Node B station interpreted as a base station*; col. 6, lines 51 – 67) and which relates to a number of transmission signals ("*the plurality of time-spaced access preambles*", "*RACH control parameters*", col. 2, lines 35 – 41; col. 4, lines 19 – 27, 37 – 49); and transmitting the same number of access

signals, from a terminal apparatus, using a resource selected at random from resource candidates, as the number of transmission signals to which the information relates (*element 164, Fig. 2, col. 5, lines 31 – 41; Fig. 3, col. 6, lines 11 – 26*), wherein the access signals are comprised of an access signal and at least one duplication of said access signal (*Fig. 2, col. 5, lines 19 – 35; Fig. 3, col. 6, lines 11 – 26*).

Regarding claim 12, Toskala et al. disclose the transmitting method claimed, wherein the resource candidates are a timing, (*"waiting for a time-out" Fig. 1, col. 2, lines 3 – 8, Fig. 3, Fig. 5*), transmission frequency, or spreading code (*"orthogonal code"; col. 2, lines 61 – 63*).

Regarding claim 13, Toskala et al. disclose a terminal apparatus (*Fig. 4, element 300, user equipment, col. 6, lines 51 – 67*) comprising: a receiving section (*element 304, receiver, Fig. 4*) that receives information which is transmitted from a base station apparatus (*"receiving acquisition indicator (AI) from node B", col. 2, lines 35 – 41; Fig. 4, element 350, receiving Node B station interpreted as a base station; col. 6, lines 51 – 67*) and which relates to a number of transmission signals (*"the plurality of time-spaced access preambles", "RACH control parameters", col. 2, lines 35 – 41; col. 4, lines 19 – 27, 37 – 49*); and a transmitting section (*element 302 transmitter of user equipment 300, Fig. 4*) that transmits the same number of access signals using a resource selected at random from resource candidates, as the number of transmission signals to which the information relates (*element 164, Fig. 2, col. 5, lines 31 – 41; Fig. 3, col. 6, lines 11 – 26*), wherein the access signals are comprised of an access signal and at least one duplication of said access signal (*Fig. 2, col. 5, lines 19 – 35; Fig. 3, col. 6, lines 11 – 26*).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toskala et al. (US 6917602 B2) in view of Newberg et al. (US 7088734 B2).

Regarding claim 15, Toskala et al. disclose a transmitting method (*"a system and method"*; *Abstract*, col. 2, lines 23 – 29) comprising: receiving information which is transmitted from a base station apparatus (*"receiving acquisition indicator (AI) from node B"*, col. 2, lines 35 – 41; *Fig. 4, element 350, receiving Node B station interpreted as a base station*; col. 6, lines 51 – 67) and which relates to a number of transmission signals (*"the plurality of time-spaced access preambles"*, *"RACH control parameters"*, col. 2, lines 35 – 41; col. 4, lines 19 – 27, 37 – 49); and transmitting the same number of access signals, from a terminal apparatus, using a resource selected from resource candidates, as the number of transmission signals to which the information relates (*element 164, Fig. 2, col. 5, lines 31 – 41; Fig. 3, col. 6, lines 11 – 26*), wherein the access signals are comprised of an access signal and at least one duplication of said access signal (*Fig. 2, col. 5, lines 19 – 35; Fig. 3, col. 6, lines 11 – 26*), and except explicitly wherein the access signals are continuously transmitted using at least two consecutive time slots.

Newberg et al. in the same field of endeavor teach wherein the access signals are continuously transmitted using at least two consecutive time slots (*Abstract*; “*transmit continuously...*”, *Fig. 3, col. 1, lines 28 – 39, col. 4, lines 22 – 47*; “*two time slots*”; *Fig. 4, col. 5, lines 6 – 9*; “*two time slots are random access time slots*”; *Fig. 8, col. 9, lines 3 – 8*). At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Toskala et al. to include the features of wherein the access signals are continuously transmitted using at least two consecutive time slots as taught by Newberg et al. One of ordinary skill in the art would be motivated to do so for providing communication systems, and more particularly to the time slot structure used in time division multiple access communication systems (*as suggested by Newberg et al., see col. 1, lines 8 – 10*).

Regarding claim 16, Toskala et al. disclose a terminal apparatus (*Fig. 4, element 300, user equipment, col. 6, lines 51 – 67*) comprising: a receiving section (*element 304, receiver, Fig. 4*) that receives information which is transmitted from a base station apparatus (“*receiving acquisition indicator (AI) from node B*”, *col. 2, lines 35 – 41*; *Fig. 4, element 350, receiving Node B station interpreted as a base station; col. 6, lines 51 – 67*) and which relates to a number of transmission signals (“*the plurality of time-spaced access preambles*”, “*RACH control parameters*”, *col. 2, lines 35 – 41; col. 4, lines 19 – 27, 37 – 49*); and a transmitting section (*element 302 transmitter of user equipment 300, Fig. 4*) that transmits the same number of access signals using a resource selected at random from resource candidates, as the number of transmission signals to which the

information relates (*element 164, Fig. 2, col. 5, lines 31 – 41; Fig. 3, col. 6, lines 11 – 26*), wherein the access signals are comprised of an access signal and at least one duplication of said access signal (*Fig. 2, col. 5, lines 19 – 35; Fig. 3, col. 6, lines 11 – 26*), except explicitly wherein said transmitting unit transmits the access signals continuously using at least two consecutive time slots.

Newberg et al. in the same field of endeavor teach wherein the access signals are continuously transmitted using at least two consecutive time slots (*Abstract; "transmit continuously..."*, *Fig. 3, col. 1, lines 28 – 39, col. 4, lines 22 – 47; "two time slots"*; *Fig. 4, col. 5, lines 6 – 9; "two time slots are random access time slots"*; *Fig. 8, col. 9, lines 3 – 8*). At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Toskala et al. to include the features of wherein the access signals are continuously transmitted using at least two consecutive time slots as taught by Newberg et al. One of ordinary skill in the art would be motivated to do so for providing communication systems, and more particularly to the time slot structure used in time division multiple access communication systems (*as suggested by Newberg et al., see col. 1, lines 8 – 10*).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2476
<4Q10::7_20_10>

/Salman Ahmed/
Primary Examiner, Art Unit 2476